

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

<p>THOMAS BLITZ, a Wisconsin consumer; KEVIN BLAIR, an Illinois consumer; GREGORY CHICK, a California consumer; MARIO WASHINGTON, a New York consumer; TERENCE D. MOORE, a New Jersey consumer; and RICHARD J. DULNIAK, a Florida consumer, on behalf of themselves and all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>MONSANTO COMPANY, a Missouri Corporation; and SCOTTS MIRACLE-GRO COMPANY, an Ohio Corporation,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 3:17-CV-00473-WMC-SLC</p>
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**THE SCOTTS MIRACLE-GRO COMPANY'S
MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

Pursuant to Rules 12(b)(2), and 12(b)(6) of the Federal Rules of Civil Procedure, Defendant The Scotts Miracle-Gro Company ("Scotts") submits this Motion To Dismiss the Complaint filed by Plaintiffs Thomas Blitz, Kevin Blair, Gregory Chick, Mario Washington, Terence D. Moore, and Richard J. Dulniak (ECF No. 1). In support of this motion, Scotts submits its Memorandum In Support and the Affidavit of Kathiea Uttley, filed contemporaneously herewith.

Dated: October 9, 2017

Respectfully submitted,

/s/ Michelle L. Dama

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